IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

OP.No. 10507 of 2002(J)

PETITIONER:

ATHURASEVA SANGAM,SACHIVOTHAMAPURAM,
KURICHI,REPRESENTED BY ITS SECRETARY
N.PARAMESWARAN PILLAI,ATHURASEVA SANGAM,
ATHURASHRAMOM,SACHIVOTHAMAPURAM P.O.,KOTTAYAM DIST

BY ADV. SRI.T.P.VARGHESE
SRI.P.R.RADHAKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA,REPRESENTED BY THE
SECRETARY,LOCAL ADMINISTRATIVE DEPARTMENT.
GOCERNMENT SECRETARIATE,THIRUVANANTHAPURAM

2. MALAPPURAM MUNICIPALITY ,REPRESENTED
BY ITS SECRETARY,MALAPPURAM

BY ADV SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B.KURIAN
SRI.K.T.THOMAS
GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON 28/06/2007 DELIVERED THE FOLLOWING:

O.P NO. 10507 OF 2002

ORDER IN C.M.P NO. 18577 OF 2002 IN O.P NO. 10507 OF 2002

DISMISSED

28-06-2007 SD/- THOTTATHIL B.RADHAKRISHNAN
JUDGE

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the Memorandum of Association and Rules and Regulations of the Association

Ext.P2: True copy of the relevant pages of the rules and the terms and conditions for the constitution of Working Womens Hostel issued by the Central Government

Ext.P3: True copy of the Circular No.N-11025/8/88-UD dated 14-9-88 issued by the Central Government

Ext.P4: True copy of the order G.O.(Rt) No.8/93/TD dated 2-1-93 issued by the Government of Kerala

Ext.P5: True copy of the order G.O(Rt) No.572 /82/RD dated 6-5-82 issued by the Government of Kerala

Ext.P6: True copy of the Judgment dated 21-5-1997 in O.P No.692/1992 A of the Hon'ble High Court of Kerala

Ext.P7: True copy of the representation submitted by the petitioner Sanghom before the Govt. of Kerala

Ext.P8: True copy of the Letter No. 45509/B4/97 dated 26-8-1998 issued by the Govt. to the Secretary of the petitioner Sanghom

Ext.P9: True copy of Notice No.R1 7461/98 dated 20-3-2002 along with demand notice for Rs. 2,11,485.88

Ext.P10: True copy of the Statement of accounts for 1984-85 dated 9-4-1985

Ext.P10(a): True copy of the statement of accounts for 1985-86 dated nil

Ext.P10(b): True copy of the statement of accounts for 1986-87 dated nil

Ext.P10(c): True copy of the statement of accounts for 1987-88 dated nil

Ext.P10(d): True copy of the statement of accounts for 1988-89 dated nil

Ext.P10(e): True copy of the statement of accounts for 1989-90dated nil

Ext.P10(f): True copy of the statement of accounts for 1990-91dated nil

Ext.P10(g): True copy of the statement of accounts for 1991-92dated nil

Ext.P10(h): True copy of the statement of accounts for 1993-94dated nil

Ext.P10(i): True copy of the statement of accounts for 1994-95dated nil

Ext.P10(j): True copy of the statement of accounts for 1995 -96dated nil

Ext.P10(k): True copy of the statement of accounts for 1996 -97dated nil

Ext.P10(l): True copy of the statement of accounts for 1997 -98dated nil

Ext.P10(m): True copy of the statement of accounts for 1998 -99dated nil

Ext.P10(n): True copy of the statement of accounts for 1999 -2000 dated nil

Ext.P10(o): True copy of the statement of accounts for 2000 -2001 dated nil

Ext.P11: True copy of order No.B.O.499/1994 dated 28-3-1994 issued byK.S.E.B

//True copy //

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THOTTATHIL B.RADHAKRISHNAN J.

O.P No. 10507 of 2002

Dated this the 28th day of June 2007

JUDGMENT

Having regard to the findings in judgment dated 28-5-2006 in O.P 5692/1999 relating to the same institution, the writ petition is only to be allowed.

In the result this original petition is allowed quashing Exts P8 & P9. The municipality will reconsider the issue in the light of the aforesaid judgment.

The original petition is allowed as above.

THOTTATHIL B.RADHAKRISHNAN
JUDGE

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